IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 20920 of 2007(M)

PETITIONER:

JEFFIN JOSEPH MATHEW,
S/O JOSEPH MATHEW, PULLUKATTUPUTHEN BUNGLOW,
KOZHUVALLUR P.O., CHENGANNUR,
ALAPPUZHA DISTRICT, 689521.

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENTS:

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1. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PRIYADARSINI HILL, KOTTAYAM.

2. THE CONTROLLER OF EXAMINATION,
MAHATMA GANDHI UNIVERSITY,
PRIYADARSINI HILLS, KOTTAYAM.

3. THE PRINCIPAL,
SCMS SCHOOL OF ENGINEERING & TECHNOLOGY,
VYDYANAGAR, PALISSERY, KARUKUTTY 683582.

BY ADV. SRI.MILLU DANDAPANI
SC FOR UNIVERSITY T.A. SHAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 20920 of 2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE RECEIPT NO.2227 DATED 30.11.2006 FOR THE PAYMENT OF RS.51,100/- TO THE THIRD RESPONDENT

EXT.P2- TRUE COPY OF THE ADMISSION SLIP DATED 30.11.2006 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER

EXT.P3- SERIES TRUE COPY OF THE MEDICAL CERTIFICATES ISSUED BY DR.SETHU.S. ASSISTANT SURGEON, GOVT. HOSPITAL, CHENGANNUR

EXT.P4- TRUE COPY OF THE APPLICATION FOR REGISTRATION TO APPEAR FOR THE COMBINED & II SEMESTER B.TECH DEGREE EXAMINATION JULY 2007 SUBMITTED BY THE PETITIONER

EXT.P5- TRUE COPY OF THE EXAMINATION FEES RECEIPT DATED 25.4.2007.

EXT.P6- TRUE COPY OF THE NOTICE DATED 26.4.2007 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER

EXT.P7- TRUE COPY OF THE JUDGMENT IN W.P.(C).6529/2006 OF THIS HON'BLE COURT

EXT.P8- TRUE COPY OF THE JUDGMENT DATED 5.6.2007 IN W.P.(C). 12658/2007

(TRUE COPY)

P.A TO JUDGE

ANTONY DOMINIC, J

W.P.(C). 20920/2007

Dated this the 22nd day of November, 2007

JUDGMENT

The only prayer made by the petitioner is to direct the third respondent to issue T.C pursuant to Ext.P9 application made by the petitioner. The objection that is raised by the management is that the petitioner will have to pay the liquidated damages as provided in the prospectus [Ext.R3(4)] which is a condition prescribed for obtaining T.C for those students who discontinue the course. In this case, since the petitioner is asking for T.C, after joining the course in terms of the provisions of the prospectus, he is liable to pay the liquidated damages.

2. Therefore, I dispose of this writ petition directing the Management to issue T.C to the petitioner immediately on the petitioner paying the liquidated damages as provided in Ext.R3(4) prospectus.

ANTONY DOMINIC
Judge

mrcs